

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSHUA D. BRODSKY,

Plaintiff,

vs.

WARDEN BACA, et al..

Defendants.

3:14-cv-00641-RCJ-WGC

**ORDER**

**re: ECF Nos. 203, 211**

Before the court is Plaintiff's "Motion for Court to Find Federal Under Seal That NDOC/Lost & Stolen" (ECF No. 203)<sup>1</sup>, and Plaintiff's "Motion to Withdraw # 203 and Re File with Correct Documents" (ECF No. 211).

It appears by Plaintiff's Motion (No. 203) that he claims to have reviewed certain sealed exhibits in ECF No. 69<sup>2</sup> that were sent to the Warden's Office at Northern Nevada Correctional Center (NNCC) on or about 24 July 2015 (ECF No. 203, at ¶ 1.1), but that now the documents "can't be located" (*id.*, at 1.2). The documents are characterized as medical records. Plaintiff states he has viewed the records before but now they "are also missing from his medical file" (*id.*, at 1.3 1.4). The Plaintiff states "this court needs to direct the A.G. offices...to find these documents immediately." (*Id.*, at p. 2.)

The record reflects that briefing on the parties' motions for summary judgment, including submission of exhibits, is complete. The court recently granted Plaintiff's motion (ECF No. 206) linking

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<sup>1</sup> Refers to court's Electronic Case Filing number.

<sup>2</sup> The court notes that ECF No. 69 is Defendants' response to Plaintiff's Motion for Preliminary Injunction (ECF No. 57) which is no longer pending before this court. See Report and Recommendation and Order of District Judge Jones which adopted and accepted the report and denied Plaintiff's motion. (ECF Nos. 76, 111.)

1 Plaintiff's motion and two exhibits to his reply memorandum which were inadvertently omitted from  
2 Plaintiff's reply. (ECF No. 209.) The documents identified in his motion (206) were cross referenced  
3 to his motion for summary judgment and reply memorandum. (ECF Nos. 163, 201.) Plaintiff also sought  
4 to link certain medical/mental health records to his response to Defendants motion for summary  
5 judgment and his own motion for summary judgment. (ECF No. 197.) The court emphasized at the  
6 Motion Hearing on November 19, 2015, it was not necessarily recognizing the relevance of the exhibits,  
7 but allowed the exhibits to remain sealed. (ECF No. 205.)

8 Subsequent to the court's review of ECF No. 203, Plaintiff filed a "Motion to Withdraw  
9 Doc. #203 and Re-File with Correct Documents." (ECF No. 211.) As best as the court can determine,  
10 Plaintiff now seeks to add another document to the parties' pending motions for summary judgment, i.e.,  
11 a grievance dated November 30, 2015. An emergency grievance lodged by the inmate Plaintiff almost  
12 a year after the alleged occurrence (11/22/14 and 11/24/14; ECF No. 8 at 3-4) – which only complains  
13 about how the NNCC library processed documents for filings – cannot be considered relevant to the  
14 subject of the motions.

15 The court has accommodated numerous motions by Plaintiff to correct his misidentification or  
16 misfiling of documents, e.g., ECF Nos. 209, 206, 174. The court declines to do so further. Although  
17 ECF No. 203 may be moot by reason of ECF No. 211, the court **DENIES** both motions.

18 **IT IS SO ORDERED.**

19 DATED: December 3, 2015.

20   
21 WILLIAM G. COBB  
22 UNITED STATES MAGISTRATE JUDGE  
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